

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

THE STATES OF MISSOURI,
ALASKA, ARIZONA, ARKANSAS,
INDIANA, KANSAS, MONTANA,
NEBRASKA, OHIO, OKLAHOMA,
SOUTH CAROLINA, TENNESSEE,
and UTAH,

Plaintiffs,

v.

JOSEPH R. BIDEN, JR. in his official
capacity as the President of the United
States of America; et. al.,

Defendants.

Case No. 4:21-CV-00287-AGF

Judge Audrey G. Fleissig

**UNOPPOSED MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF
OF TEXAS PUBLIC POLICY FOUNDATION, VANCE GINN, Ph.D.,
BRENTON BENNETT, Ph.D., AND ERWIN ANTONI, Ph.D. IN SUPPORT
OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to Local Rule 375, Movants Texas Public Policy Foundation, Vance Ginn, Ph.D., Brenton Bennett, Ph.D., and Erwin Antoni, Ph.D., respectfully seek leave to participate in the above-styled action as amici curiae and to file the accompanying Amicus Brief supporting Plaintiffs' Motion for Preliminary Injunction.

All parties consent to the filing of Movants' Amicus Brief.

Movants' Brief seeks to assist the Court by addressing the flawed premise for using the social cost of carbon as part of regulatory analysis and to explain why

environmental regulations based on the social cost of carbon are fundamentally flawed both in their premise and in their construction.

INTEREST OF AMICUS CURIAE

The Texas Public Policy Foundation (TPPF) is a non-profit, non-partisan research institute dedicated to promoting and defending liberty, personal responsibility, and free enterprise throughout Texas and the nation. For decades, TPPF has worked to advance these goals through research, policy advocacy, and impact litigation.

Since its inception in 1989, the Foundation has emphasized the importance of limited government, free market competition, private property rights, and freedom from regulation. In accordance with its central mission, the Foundation has hosted policy discussions, authored research, presented legislative testimony, and drafted model ordinances to reduce the burden of government on Texans. Historically, the Foundation has worked through its Life:Powered project to advocate for energy policies that promote economic freedom and advance the human condition, which inherently includes the right to judicially challenge unlawful ratemaking.

Vance Ginn, Ph.D., is chief economist at the Texas Public Policy Foundation. He earned his doctorate in economics at Texas Tech University and has an accomplished career as a policy director and university lecturer with experience in public policy, academia, and government. In these capacities, Dr. Ginn works to

unlock poverty through relational, inclusive changes in institutions that expand opportunities to let people prosper. He is a prolific writer and is a leading free market economist who was honored with the “Defender of the American Dream” award by Americans for Prosperity—Texas and with the “Champion of Freedom” award by Grassroots America—We The People. From 2019 to 2020, Dr. Ginn served as the Associate Director for Economic Policy of the Office of Management and Budget (OMB) at the Executive Office of the President during the Trump administration. In this capacity, he advised the OMB’s director on economic and fiscal policy matters; managed a team who sought evidence of good government and modeled the economic assumptions in the President’s FY 2021 federal budget, which proposed a record of \$4.6 trillion in cuts to the national debt over a decade, made most of the Trump tax cuts permanent, and noted the need for fiscal rules; and provided in-depth analyses throughout the COVID-19 pandemic.

Brent Bennett, Ph.D., is the policy director for Life:Powered, an initiative of the Texas Public Policy Foundation to raise America’s energy IQ. Dr. Bennett has an M.S.E. and Ph.D. in materials science and engineering from the University of Texas at Austin and a B.S. in physics from the University of Tulsa. His graduate research focused on advanced chemistries for utility-scale energy storage systems. Prior to joining the Foundation, Dr. Bennett worked for a startup company selling

carbon nanotubes to battery manufacturers, and he continues to provide technology consulting to energy storage companies.

Erwin Antoni, Ph.D., is an economist at the Texas Public Policy Foundation whose research focuses on fiscal and monetary policy. Dr. Antoni earned his master's and doctorate in economics from Northern Illinois University.

It is with this background and experience that the Foundation files the Amicus Curiae Brief in support of Plaintiffs' Motion for Preliminary Injunction.

CONCLUSION

For this reason, Movant requests that this motion be granted and that this Court accept for filing Movants' Amicus Brief.

Respectfully submitted,

/s/Robert Henneke

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CERTIFICATE OF SERVICE

I hereby certify that on May 14, 2021, a true and correct copy of the foregoing document was filed electronically through the Court's CM/ECF system, to be served on counsel for all parties by operation of the Court's electronic filing system.

/s/Robert Henneke

ROBERT HENNEKE